

The United States, through undersigned counsel, hereby respectfully informs the Court and the parties that it intends to file a Statement of Interest pursuant to 28 U.S.C. § 517¹ no later than Friday, June 23, 2017 at 10:00 a.m. CST. That Statement will address issues relevant to the pending motion for preliminary injunction impacting the United States' immigration enforcement interests, specifically: (1) whether Texas Senate Bill 4 ("SB 4") is preempted by federal law or inconsistent with the Tenth Amendment; and (2) whether SB 4 is facially invalid under the Fourth Amendment. In addition, the United States respectfully notifies the Court and the parties of its desire to present oral argument at the hearing currently scheduled for June 26, 2017 at 9:30 AM before this honorable Court, in order to address any questions the Court may have regarding the United States' Statement of Interest. *See* Order, ECF Nos. 29 and 45.² The United States will also seek to engage with the parties concerning the Court's order that the parties "file a joint written advisory no later than 3:00 p.m. on Friday, June 23 on the estimated length of the hearing and whether they intend to present any evidence or simply oral arguments." *See* ECF No. 45. The United States anticipates presenting oral argument only concerning the matters addressed in its Statement of Interest.

In support of this Notice, the United States submits the following:

1. This case involves multiple challenges to Texas Senate Bill 4 ("SB 4"), an effort by the State of Texas to ensure cooperation with federal officials, including those at the Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), U.S.

¹ 28 U.S.C. § 517 provides that "[t]he Solicitor General, or any officer of the Department of Justice, may be sent by the Attorney General to any State or district in the United States to attend to the interests of the United States in a suit pending in a court of the United States, or in a court of a State, or to attend to any other interest of the United States." And 28 U.S.C. § 518 permits the Attorney General or his designee to "conduct and argue suits and appeals" in which "the United States is interested," and, when he "considers it in the interests of the United States," to "personally conduct and argue any case in a court of the United States in which the United States is interested, or he may direct the Solicitor General or any officer of the Department of Justice to do so."

² Undersigned counsel contacted every party currently noticed on the Court's public filing system regarding this notice.

Customs and Border Protection (“CBP”), and U.S. Citizenship and Immigration Services (“USCIS”) in the enforcement of the Nation’s immigration laws.

2. SB 4 prohibits localities from having policies that prevent local officials from sharing information relevant to immigration enforcement with the federal government. The sharing of information facilitates federal immigration enforcement. In addition, SB 4 directs local officials in Texas to cooperate with immigration detainer requests made by the federal government. As will be explained in the United States’ Statement of Interest, state and local cooperation with detainer requests facilitate the orderly transfer of such removable aliens to federal custody when they are released from state or local custody. Without such cooperation, such aliens would be released back into the communities, requiring federal officials to attempt more dangerous arrests on the streets. Indeed, some aliens may otherwise remain at large but for Texas’s efforts through SB 4.

3. The relationship between Texas’s law enforcement agencies and the United States’ and its federal immigration enforcement agencies, is of critical importance. The United States has a substantial interest in the cooperation of states and localities in its enforcement of federal immigration law, which by design invites state and local law enforcement to share information concerning removable criminal aliens and other removal priorities in their custody to facilitate federal processing of aliens arrested by state authorities who have also committed immigration violations. The United States thus has a substantial interest in the validity of SB 4.

4. The Supreme Court has held that the federal government has “undoubted power over the subject of immigration and the status of aliens.” *Arizona v. United States*, 567 U.S. 387, 394 (2012). That “undoubted power” includes ensuring that there is no impediment to the ability of states and local law enforcement to cooperate with federal law enforcement concerning aliens

in their custody. However, for various reasons, the Plaintiffs and interveners ask this Court to declare this type of cooperation by Texas to be unlawful under federal and Texas law. Thus, the United States has a substantial interest in this action, the claims of which directly implicate federal immigration law and enforcement.

For these reasons, the United States respectfully notifies the Court of its invocation of 28 U.S.C. § 517 and its intention to file a Statement of Interest, confer with the parties concerning submittal of a “joint written advisory” regarding oral argument, and its desire to present oral argument at the hearing currently scheduled for June 26, 2017 at 9:30 AM before this honorable Court.

Dated: June 21, 2017

Respectfully Submitted,

CHAD A. READLER
Acting Asst. Attorney Gen.

WILLIAM C. PEACHEY
Director
Office of Immigration Litigation
District Court Section

/s/ Erez Reuveni
EREZ REUVENI
Senior Litigation Counsel
U.S. Department of Justice
Civil Division,
450 5th Street NW
Washington, D.C. 20530
Tel: 202-307-4293
erez.r.reuveni@usdoj.gov

Counsel for United States

CERTIFICATE OF SERVICE

I certify that on June 21, 2017, I electronically filed the foregoing motion with the Clerk of Court by using the CM/ECF system, which will provide electronic notice and an electronic link to this document to the attorneys of record for all parties.

/s/ Erez Reuveni
EREZ REUVENI
Senior Litigation Counsel
U.S. Department of Justice